

REMARKS

Claims 1, 3-8, 10-20, 22-26, 28 and 29 are pending in this application. For purposes of expedition, claims 1, 3-8, 10-15, 17, 19, 20, 22, 25 and 28, have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application. Proper support for the amendments to the claims can be found in the specification, at least at paragraph [0028]. Claims 2, 9, 21 and 27 have been cancelled without prejudice or disclaimer. Claims 1, 8, 19, 22, 25 and 28 are the independent claims. No new matter is presented.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-14, 22-24, and 28-29 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kondo, U.S. Patent No. 5,177,720.

Applicants respectfully traverse this rejection for at least the following reasons.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites an optical information storage medium, comprising: a user data area for recording user data; and an area other than the user data area, comprising: a reproduction-only area; and a recordable area wherein disk state data is recorded in the recordable area when a recording of data predetermined data is completed, wherein the disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed.

Kondo discloses a disc recording system wherein program information is recorded program by program separately and with interruption and table of content (TOC) information is recorded later, time for collecting position information necessary for producing TOC information is saved and recording time is shortened (column 1, lines 54-69 and column 2, lines 1-17). To achieve this object, Kondo discloses storing position information when program information is recorded program by program separately with interruption (column 7, lines 27-53). This intermediate information is information necessary for the generation of the TOC information (column 7, lines 59-65).

In other words, Kondo discloses a method for saving processing time when recording a TOC at the end of the recording of several programs on a disc by recording intermediate information after the recording of each different program. That is, Kondo discloses recording partial information of the TOC after recording each program and using all the partial information after completing the disc to form a final TOC. Therefore, Kondo does not teach or suggest a recordable area wherein disk state data is recorded in the recordable area when a recording of data predetermined data is completed, Kondo simply teaches recording partial information each time a program is recorded.

Furthermore, it is noted that Kondo does not teach or suggest that the disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn because Kondo fails to teach or suggest each feature of independent claim 1.

Furthermore, Applicants respectfully assert that dependent claims 3-7 are allowable at least because of their dependence from claim 1, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 3-7 also distinguish over the prior art. Regarding the rejection of claim 2, it is noted that claim 2 has been cancelled without prejudice or disclaimer, thus rendering the rejection of claim 2 moot.

Regarding the rejection of independent claim 8, it is noted that claim 8 recites a method of recording data on an optical information storage medium in which a reproduction-only area and a recordable area are included in an area other than a user data area, the method comprising: recording user data in the user data area; and recording disk state data in the recordable area included in the area other than the user data area, when a recording of predetermined data is completed, wherein the disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed.

As noted above, Kondo does not teach or suggest recording disk state data in the

recordable area included in the area other than the user data area, when a recording of predetermined data is completed. Kondo simply discloses writing partial data or partial information related to the most recently recorded program and utilizing all this partial data or information, once the disc has been completed to form a TOC.

Accordingly, Applicants respectfully assert that the rejection of claim 8 under 35 U.S.C. § 102(b) should also be withdrawn because Kondo fails to teach or suggest each feature of independent claim 8.

Furthermore, Applicants respectfully assert that dependent claims 10-14 are allowable at least because of their dependence from claim 8, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 10-14 also distinguish over the prior art. Regarding the rejection of claim 9, it is noted that claim 9 has been cancelled without prejudice or disclaimer, thus rendering the rejection of claim 9 moot.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites a method of accessing an area on an optical storage medium where new user data is to be recorded, comprising: recording, in a predetermined area of the optical storage medium, disk state data, when a recording of user data is completed, wherein the disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed.

As noted above, Kondo does not teach or suggest recording, in a predetermined area of the optical storage medium, disk state data, when a recording of user data is completed. Kondo simply discloses writing partial data or partial information related to the most recently recorded program and utilizing all this partial data or information, once the disc has been completed to form a TOC.

Accordingly, Applicants respectfully assert that the rejection of claim 22 under 35 U.S.C. § 102(b) should also be withdrawn because Kondo fails to teach or suggest each feature of independent claim 22.

Furthermore, Applicants respectfully assert that dependent claims 23-24 are allowable at least because of their dependence from claim 22, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 23-24 also distinguish over the prior art.

Regarding the rejection of independent claim 28, it is noted that claim 28 recites a method of organizing a recording of updated data on an optical information storage medium, comprising: recording in a recordable area new disk state data in a different area of the recordable area than present disk state data; and recording in the recordable area data representing the possibility of additional recording after completion of recording is recorded, wherein the new disk state data is recorded in the recordable area if a recording of user data is stopped, and wherein the new disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed.

As noted above, Kondo discloses writing partial data or partial information related to the most recently recorded program and utilizing this partial data or information, once the disc has been completed, to form a TOC.

Kondo does not teach or suggest that the new disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed, as recited in independent claim 28.

Accordingly, Applicants respectfully assert that the rejection of claim 28 under 35 U.S.C. § 102(b) should also be withdrawn because Kondo fails to teach or suggest each feature of independent claim 28.

Furthermore, Applicants respectfully assert that dependent claim 29 is allowable at least because of its dependence from claim 28, and because it includes additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 29 also distinguishes over the prior art.

Claims 1, 8, 15, 17, 19, and 25 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fukushima et al., U.S. Patent Application Publication No. 2001/0036136.

Applicants respectfully traverse this rejection for at least the following reasons.

Regarding the rejection of independent claim 1, 8, 19 and 25 it is noted that these claims recite an optical information storage medium and a method of recording data comprising,

amongst other novel features, disk state data including at least one of an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, and data representing whether an additional recording is possible after the recording of user data is completed.

Fukushima discloses an optical disc 101, as shown in FIG. 1, including a disc information area 104 and a data area 105. In the disc information area 104 (204, shown in FIG. 2), various parameters required to access the optical disc 101 are recorded, including guard areas 205, as shown in FIG. 2, a disc test area 106 used for testing the quality of the optical disc 101 in a production process, a drive test area 207 used by an optical disc apparatus for checking the state of the optical disc 101 mounted on the optical disc apparatus, a disc ID area 206 used for recording information on various characteristics of the optical disc 101, and a defect management area 209 for recording defect management information.

The cited paragraph [0204] of Fukushima only refers to the recording power adjustment and the update of drive information. Specifically, the recording power condition acquired is used by the recording power adjusting processing section 573, as shown in FIG. 12, to update the drive information. However, the drive information as described by Fukushima is not, and cannot be interpreted to correspond to Applicants' claimed "disk state data" if a recording of user data is completed. This is because the drive information of Fukushima is the same drive information recorded in a drive zone, as shown in FIG. 1, which is completely different from Applicants' claimed "disk state data" which includes, for example, an address of an area containing newly recorded optimum power control (OPC) data, an address of an area containing most recently recorded drive data, an address of an area containing most recently recorded user data, and data representing whether an additional recording is possible after the recording of user data is completed.

Accordingly, Applicants respectfully assert that the rejection of claims 1, 8, 19 and 25 under 35 U.S.C. § 102(b) should also be withdrawn because Fukushima fails to teach or suggest each feature of independent claims 1, 8, 19 and 25.

Furthermore, Applicants respectfully assert that dependent claims 15 and 17 are allowable at least because of their dependence from claims 1 and 8, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 15 and 17 also distinguish over the prior art.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 16, 18, and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima.

Applicants respectfully traverse this rejection for at least the following reasons.

Claims 16, 18 and 26 depend from independent claims 1, 8 and 25, respectively.

As noted above, Fukushima fails to teach or suggest the novel features of the independent claims and therefore, fails to teach or suggest the novel features of dependent claims 16, 18 and 26.

Accordingly, Applicants respectfully assert that dependent claims 16, 18 and 26 are allowable at least because of their dependence from claims 1, 8 and 25, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 16, 18 and 26 also distinguish over the prior art.

Claims 19-21, 24, 25 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo in view of Fukushima.

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claims 19 and 25, as noted above, Fukushima fails to teach or suggest the novel features of these claims.

As also noted above, Kondo simply discloses writing partial data or partial information related to the most recently recorded program and utilizing the partial data or information, once the disc has been completed, to form a TOC.

Accordingly, Applicants respectfully assert that the rejection of claims 19 and 25 under 35 U.S.C. §103(a) should be withdrawn because neither Fukushima nor Kondo, whether taken singly or combined teach or suggest each feature of independent claims 19 and 25.

Furthermore, Applicants respectfully assert that dependent claims 20 and 24 are allowable at least because of their dependence from claims 19 and 22, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 20 and 24 also distinguish over the prior art.

Regarding the rejection of claims 21 and 27, it is noted that claims 21 and 27 have been

cancelled without prejudice or disclaimer. Accordingly, the rejection of claims 21 and 27 is moot.

CONCLUSION

Entry of the foregoing amendments is proper under 37 C.F.R. §1.116(b) because those amendments simply respond to the issues raised in the final rejection, no new issues are raised, no further search is required, and the foregoing amendments are believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance. The foregoing amendments, or explanations, could not have been made earlier because these issues had not previously been raised.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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